

AMENDED IN SENATE APRIL 10, 2012

SENATE BILL

No. 1271

Introduced by Senator Corbett
(Principal coauthor: Senator Alquist)
(Coauthors: Senators Blakeslee and Hancock)

February 23, 2012

An act to add and repeal Section 17280.6 of the Education Code, relating to school facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 1271, as amended, Corbett. School facilities: Field Act: seismic safety standards: workgroup.

Existing law requires the Department of General Services, under the police power of the state, to supervise the design and construction of any school building or the reconstruction or alteration of or addition to any school building, if not exempted, to ensure that plans and specifications comply with specified rules, regulations, and building standards and to ensure that the work of construction is performed in accordance with the approved plans and specifications, for the protection of life and property. Existing law authorizes the department to issue a stop work order when construction work on a public school is not being performed in accordance with existing law and would compromise the structural integrity of the building, thereby endangering the public safety, but requires the department to allow construction of incidental and minor nonstructural additions or nonstructural alterations without invoking its stop work authority.

Existing law establishes in the Department of General Services the Division of the State Architect and provides that the State Architect has

general charge, under the Department of General Services, of the erection of all state buildings.

This bill would require the Department of General Services to convene a workgroup, *as specified*, to develop and adopt standards, ~~subject to the approval of other members of the working group, with respect to the seismic safety of schools and to make recommendations to the Legislature on ways to amend the Field Act to make it more effective.~~ The bill would require the workgroup to include representatives from the office of the State Auditor, the Superintendent of Public Instruction, the Office of Emergency Services, and the State Architect. The bill would require the workgroup to adopt the standards and submit the ~~recommendations by January 1, 2014.~~ *recommendations for improving the oversight of school construction projects. The bill would require the workgroup to review changes made within the Division of the State Architect to improve its oversight of school construction and to review the Field Act to consider changes to the act concerning occupancy of school facilities when and if significant safety concerns are identified. The bill would require the Division of the State Architect to report the recommendations of the work to the Senate Select Committee on Earthquake and Disaster Preparedness, Response and Recovery by January 1, 2014, at a public hearing with an opportunity for public comment, as specified.* The bill would repeal these provisions on January 1, 2016.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. (a) The Legislature finds and declares all of the
- 2 following:
- 3 (1) California has 9,903 public schools, many of which are at
- 4 risk of not meeting the construction requirements of the Field Act
- 5 and, therefore, they may not be seismically safe.
- 6 (2) There are 15,000 faultlines that lay across California, with
- 7 the San Andreas and the Hayward faults being significantly active
- 8 fault zones.
- 9 (3) On average, approximately 37,300 earthquakes are recorded
- 10 and analyzed per year, amounting to over 100 earthquakes per day.
- 11 (4) According to a December 2011 report by the State Auditor
- 12 concerning an audit of the Division of the State Architect, there

1 are significant gaps in the effective and comprehensive level of
2 oversight of school construction and seismic safety projects.

3 (5) While the Division of the State Architect must certify school
4 construction projects when they comply with the act, as of
5 December 2010 approximately 16,400 projects statewide remained
6 uncertified.

7 (6) The Division of the State Architect did not effectively
8 document its determinations about the risk level of uncertified
9 projects or use these determinations to guide its approach to
10 following up on those projects.

11 (7) The Division of the State Architect has been inconsistent
12 and ineffective in enforcing the Field Act and using its authority
13 to order school districts to stop work on projects after identifying
14 a potential threat to public safety.

15 (8) The Division of the State Architect does not have a process
16 for planning oversight for projects of similar size and complexity
17 and cannot demonstrate that it has provided adequate field
18 oversight.

19 (b) Therefore, it is the intent of the Legislature to ensure that
20 the state's public schools are seismically safe and in compliance
21 with the Field Act.

22 SEC. 2. Section 17280.6 is added to the Education Code, to
23 read:

24 17280.6. (a) The Department of General Services shall convene
25 a workgroup to develop and adopt ~~standards, subject to the~~
26 ~~approval of other members of the working group, with respect to~~
27 ~~the seismic safety of schools and shall make recommendations to~~
28 ~~the Legislature on ways to amend the Field Act to make it more~~
29 ~~effective. By January 1, 2014, the workgroup shall adopt the~~
30 ~~standards and submit the recommendations for improving the~~
31 ~~oversight of school construction projects. The workgroup shall~~
32 ~~review both of the following:~~

33 ~~(b) The workgroup shall not exceed six members and shall~~
34 ~~include, but not be limited to, representatives from all of the~~
35 ~~following:~~

36 ~~(1) The office of the State Auditor.~~

37 ~~(2) The Superintendent of Public Instruction.~~

38 ~~(3) Office of Emergency Services.~~

39 ~~(4) The State Architect.~~

1 ~~(e) The workgroup shall hold a public hearing to solicit public~~
2 ~~comments before adopting standards pursuant to subdivision (a).~~

3 ~~(d) In developing standards for the seismic safety of schools~~
4 ~~and recommendations on ways to amend the Field Act, the~~
5 ~~Department of General Services and the workgroup, by January~~
6 ~~1, 2014, shall consider all of the following:~~

7 ~~(1) The Division of the State Architect's use of orders to comply~~
8 ~~and stop work orders.~~

9 ~~(2) The Division of the State Architect's use of penalties for~~
10 ~~school districts.~~

11 ~~(3) Policies regarding classifying types of uncertified projects.~~

12 ~~(4) Improved communication with school districts on uncertified~~
13 ~~projects.~~

14 ~~(5) Specific expectations for conducting site visits and~~
15 ~~monitoring efforts to its planned actions.~~

16 ~~(6) Directions for the field engineers to increase their presence~~
17 ~~on project sites.~~

18 ~~(7) Increasing training on current code requirements.~~

19 ~~(8) Evaluating inspectors, including providing consistent~~
20 ~~documentation of performance.~~

21 ~~(9) Increased oversight by qualified individuals of~~
22 ~~accessibility-related and fire and life safety-related issues.~~

23 ~~(10) Increased transparency to the public of the Division of the~~
24 ~~State Architect's actions.~~

25 *(1) Changes made internal to the Division of the State Architect*
26 *to improve its oversight of school construction projects since*
27 *December 2011. The workgroup shall make any recommendations*
28 *it determines are necessary to further improve oversight, process,*
29 *training, and inspection activities under the control of the Division*
30 *of the State Architect concerning school facility construction and*
31 *seismic, fire, and life safety.*

32 *(2) The Field Act, as it relates to occupancy of school facilities,*
33 *to consider what, if any, statutory changes should be made to*
34 *prohibit occupancy when and if significant safety concerns are*
35 *identified, and what, if any, penalties the Division of the State*
36 *Architect should be able to levy against school districts that do*
37 *not provide all required documents.*

38 *(b) The workgroup shall be composed of representatives from*
39 *all of the following:*

40 *(1) The Division of the State Architect.*

1 (2) *The Superintendent of Public Instruction.*

2 (3) *The Seismic Safety Commission.*

3 (4) *The State Fire Marshal.*

4 (5) *School districts that represent the diverse size and geography*
5 *of California's school districts.*

6 (6) *The California Community College Chancellor's office.*

7 (7) *A community college district.*

8 (c) *The Division of the State Architect shall report the*
9 *recommendations of the workgroup, including, but not limited to,*
10 *any actions taken by the Division of the State Architect to modify*
11 *its oversight of school construction projects pursuant to paragraph*
12 *(1) of subdivision (a), to the Senate Select Committee on*
13 *Earthquake and Disaster Preparedness, Response and Recovery*
14 *by January 1, 2014, at a public hearing of the committee. The*
15 *Senate Select Committee on Earthquake and Disaster*
16 *Preparedness, Response and Recovery shall provide an opportunity*
17 *for public comment before proposing statutory changes*
18 *recommended by the workgroup.*

19 ~~(e)~~

20 (d) *This section shall remain in effect only until January 1, 2016,*
21 *and as of that date is repealed, unless a later enacted statute, that*
22 *is enacted before January 1, 2016, deletes or extends that date.*